

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FERMIN SOLIS ANIEL and ERLINDA
ABIBAS ANIEL,

Plaintiffs,

v.

AURORA LOAN SERVICES LLC, et al.,

Defendants.

No. C 10-01042 JSW

**ORDER RE PLAINTIFFS'
APPLICATION FOR LEAVE TO
FILE MOTION FOR
RECONSIDERATION**

On August 5, 2010, this Court issued an Order granting motions to dismiss, in which it dismissed certain claims and defendants with prejudice and in which it gave Plaintiffs' leave to amend certain other claims, and on that same date the Court entered judgment pursuant to Federal Rule of Civil Procedure 54(b) as to Defendants Quality Loan Services, Inc. ("Quality") and Mortgage Electronic Registration Systems, Inc. ("MERS")¹

On August 13, 2010, Plaintiffs' filed a motion for leave to file a motion for reconsideration of that Order. Because the Court has entered judgment in favor of MERS and Quality, and because Plaintiffs are proceeding *pro se*, as to those defendants, the Court construes the motion as a motion to alter or amend the judgment, pursuant to *either* Federal Rule of Civil Procedure 59(e) or 60(b). It is HEREBY ORDERED that Quality and MERS shall file an opposition to the motion by no later than September 10, 2010. Plaintiffs may file a reply by September 17, 2010.


¹ In the Judgment, the Court inadvertently referred to MERS as "Mortgage Electronic Registration Services, Inc."

1 If the Court determines that a hearing is required, it shall notify the parties.

2 Because no judgment has been entered as to Aurora and McCarthy, the motion is
3 properly treated as a motion for leave to file a motion for reconsideration. At this time, the
4 Court does not require a response from either Aurora or McCarthy, and the Court shall address
5 the Plaintiffs' motion for leave to file a motion for reconsideration with respect to those
6 defendants once it has received the briefing from MERS and Quality.

7 **IT IS SO ORDERED.**

8 Dated: August 23, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FERMIN SOLIS ANIEL et al,
Plaintiff,

Case Number: CV10-01042 JSW

CERTIFICATE OF SERVICE

v.

AURORA LOAN SERVICES LLC et al,
Defendant.


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 23, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Erlinda Abibas Aniel
75 Tobin Clark Drive
Hillsborough, CA 94010

Fermin Solis Aniel
75 Tobin Clark Drive
Hillsborough, CA 94010

Dated: August 23, 2010


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk